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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARTIN ALFREDO LEIVA-LEIVA ET AL,

Defendants.

CASE NO. 1:22-CR-00232-BLW-BAM

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
AND ORDER

DATE: February 26, 2025
TIME: 1:00 p.m.
COURT: Hon. Barbara A. McAuliffe

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. Defendants are set for a status conference on **February 26, 2025**, in front of the Honorable Barbara A. McAuliffe, U.S. Magistrate Court Judge. The parties wish to **continue the status conference to July 23, 2025**.

2. All parties have previously stipulated to a finding that the case is a "complex case" pursuant to 18 U.S.C. § 3161(h)(7)(B)(ii).

3. This case alleges multiple violations of 18 U.S.C. § 1959, VICAR Murder, for which the maximum statutory penalty is death. For certain defendants, the government has previously filed notice that it is not seeking the death penalty.

4. On February 5, 2025, the Attorney General issued a public memorandum entitled

1 “Reviving the Federal Death Penalty and Lifting the Moratorium on Federal Executions.” In it, in
2 Section III, the Attorney General directed a review of “no-seek decisions issued in all pending capital-
3 eligible-cases ... charged between January 20, 2021 and January 19, 2025.” The memorandum directed
4 specifically that “[p]articular attention shall be paid to cases involving defendants associated with cartels
5 or transnational criminal organizations” and “capital crimes committed by defendants present in the
6 United States illegally.” The memorandum directed that this review be completed within 120 days of
7 February 5, 2025.

8 5. While the government is not seeking a continuance on the basis of this memorandum, it
9 does not object to defendants seeking a continuance because of these changed circumstances.

10 6. All parties agree to exclude time between **February 26, 2025**, and **July 23, 2025**,
11 inclusive.

12 7. The parties agree and stipulate, and request that the Court find the following:

13 a) The discovery associated with this case is voluminous and includes tens of
14 thousands of pages, including investigative reports, photographs and videos, as well as hundreds
15 of hours of recorded telephone conversations pursuant to wiretap orders, cellular phone
16 extractions, and large amounts of cellular telephone precise location data and vehicle tracker
17 data. All this discovery has been either produced directly to counsel and/or produced to a court-
18 appointed discovery coordinator, and/or made available for inspection and copying.

19 b) Defense counsel has been engaged in settlement negotiations and subsequent
20 investigation, but because of the complexity of the case additional time is required.

21 c) Complex Case Designation: Additionally, the parties stipulate and agree that the
22 case should be designated a “complex case” as it so complex, due to the nature of the prosecution
23 that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself
24 within the time limits established by 18 U.S.C. § 3161.

25 d) Counsel for defendants desire additional time to consult with their clients, conduct
26 investigation, review the voluminous discovery, prepare for a possible trial, and explore a
27 potential resolution of the case.

28 e) Counsel for defendants believe that failure to grant the above-requested

continuanace would deny him/her the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

f) The government does not object to the continuance.

g) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

h) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of **February 26, 2025** to **July 23, 2025**, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(i), B(ii), and B(iv) because the case is so unusual or so complex, due to the number of defendants, the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established by this section. This stipulation also results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

8. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: February 19, 2025

MICHELE BECKWITH
Acting United States Attorney

/s/ Robert L. Veneman-Hughes
ROBERT L. VENEMAN-HUGHES
Assistant United States Attorney

1 Dated: February 19, 2025

/s/ Tim Warriner

Tim Warriner
Counsel for Defendant
Martin Alfredo Leiva-Leiva

3 Dated: February 19, 2025

/s/ Kim Freter

Kim Freter
Learned Counsel for Defendant
Martin Alfredo Leiva-Leiva

6 Dated: February 19, 2025

/s/ Jonathan C. Aminoff

Jonathan C. Aminoff
Counsel for Defendant
Jose Rene Barrera-Martinez

9 Dated: February 19, 2025

/s/ Jimmy Threat

Jimmy Threat
Counsel for Defendant
Jose Rene Barrera-Martinez

12 Dated: February 19, 2025

/s/ Galatea DeLapp

Galatea DeLapp
Counsel for Defendant
Angel Antonio Diaz-Morales

15 Dated: February 19, 2025

/s/ Teri Thompson

Teri Thompson
Learned Counsel for Defendant
Angel Antonio Diaz-Morales

18 Dated: February 19, 2025

/s/ Dina Santos

Dina Santos
Counsel for Defendant
Luis Fausino Diaz-Pineda

21 Dated: February 19, 2025

/s/ James Castle

James Castle
Learned Counsel for Defendant
Luis Faustino Diaz-Pineda

1 Dated: February 19, 2025

/s/ Daniel Benjamin Olmos

Daniel Benjamin Olmos
Counsel for Defendant
Juan Carlos Urias-Torres

2
3 Dated: February 19, 2025

/s/ Adilene Flores

Adilene Flores
Counsel for Defendant
Juan Carlos Urias-Torres

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6 Dated: February 19, 2025

/s/ David Stern

David Stern
Learned Counsel for Defendant
Angel Antonio Castro-Alfaro

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8
9 Dated: February 19, 2025

/s/ Kasha Castillo

Kasha Castillo
Counsel for Defendant
Jose Joaquin Orellana

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11
12 Dated: February 19, 2025

/s/ Ellis Murray Johnston

Ellis Murray Johnston
Learned Counsel for Defendant
Jose Joaquin Orellana

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14
15 Dated: February 19, 2025

/s/ Michael McKneely

Michael McKneely
Counsel for Defendant
Julio Cesar Recinos-Sorto

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17
18 Dated: February 19, 2025

/s/ Mark Goldenrosen

Mark Goldrosen
Learned Counsel for Defendant
Julio Cesar Recinos-Sorto

ORDER

The Stipulation to continue the status conference is GRANTED IN PART and DENIED IN PART. IT IS SO ORDERED that the status conference is continued from February 26, 2025 to **March 31, 2025, at 1:00 p.m. in Courtroom 5 before District Judge B. Lynn Winmill**. Pursuant to the Stipulation, time is excluded from February 26, 2025 to July 23, 2025 pursuant to 18 U.S.C. § 3161(h)(7)(A), B(i), B(ii), and B(iv).
IT IS SO ORDERED.

Dated: **February 20, 2025**

/s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE